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OFFICE OF PETITIONS

In re Application of :
Brinkley, et al. : DECISION ON PETITION
Application No. 09/177,047 :
Filed: October 22, 1998 :
Docket No.: FIREARM MONITORING :
DEVICE :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 21, 2006, to revive the above-identified application.

The petition is GRANTED.

This application became abandoned for failure to timely reply to the non-final Office action mailed September 3, 2004. The non-final Office action set a three (3) month shortened statutory period of time for reply. Notice of Abandonment was mailed April 13, 2005.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 C.F.R. § 1.137(b). Accordingly, the failure to timely submit a proper reply to the non-final Office action is accepted as having been unintentionally delayed.

The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith in accepting the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See, Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and

circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

The instant petition has been reviewed and found in compliance with the provisions of 37 CFR 1.137(b). Accordingly, the failure to timely submit a proper reply to the non-final rejection is accepted as having been unintentionally delayed.

This application is being forwarded to Technology Center 3600 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

A handwritten signature in black ink, appearing to read 'AMB', with a long horizontal flourish extending to the right.

Alesia M. Brown
Petitions Attorney
Office of Petitions